

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SHAW-NAE DIXON, THOMAS CASATELLI, JEANETTE RIVERA, NATALIA YAKUBOVA, CHRIS KING, ALISON MARCHESE, on behalf of AM, JM, and MMV (her minor children), WILLIAM MORRIS, GEORGE KABBEZ, MARY JOSEPHINE GENEROSO, SHAW NAE'S HOUSE, LLC, SALTY DOG RESTAURANT, LTD, PER TAVERN CORP. d/b/a THE KETTLE BLACK, CARGOSTORK PARTIES INC. d/b/a DO ME A FAVOR, and INDEPENDENT RESTAURANT OWNERS ASSOCIATION RESCUE, INC.,

21-cv-5090 (BMC)

Plaintiffs,

-against-

BILL DE BLASIO, in his official capacity as Mayor of New York City; and THE CITY OF NEW YORK,

Defendants.

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**KERRI A. DEVINE**, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for defendants. As such, I am familiar with the facts stated below and submit this declaration to place on the record relevant documents in support of defendants' motion to dismiss the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and in opposition to plaintiffs' motion to amend the Complaint pursuant to Fed. R. Civ. P. 15(a).

2. In their Complaint, plaintiffs challenged the Emergency Executive Orders (“EEO”), such as EEO 225 (Doc. No. 13-1) and 250 (Doc. NO. 13-2) which established the program known as Key to NYC.

3. Pursuant to EEO 50, issued on March 4, 2022, the Key to NYC requirement that patrons show proof of vaccination upon entering covered establishments expired on March 7, 2022. Attached as Exhibit “A” is a true and correct copy of New York City Emergency Executive Order No. 50 entitled signed by Mayor Eric Adams on March 4, 2022, *also available at <https://www1.nyc.gov/office-of-the-mayor/news/050-003/emergency-executive-order-50>* (last visited June 9, 2022).

Dated: New York, New York  
June 9, 2022

Kerri A. Devine /s/  
Kerri A. Devine  
Assistant Corporation Counsel